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Gregory J. Koerner
Redwood Patent Law
1291 East Hillsdale Boulevard
Suite 205
Foster City, CA 94404

EXAMINER	
VIEAUX, GARY	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/781,917	FISHER ET AL.	
	Examiner	Art Unit	
	Gary C. Vieaux	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

The Amendment filed November 1, 2004 has been received and made of record. In response to the first office action, claims 1-2, 14-15, 21-22, 34-35, and 41 have been amended.

Claim Objections

Claim 2 is objected to because of the following informalities: The potential multiple data sources defined in claim 2 are inconsistent with the specific data source as defined in claim 1. Appropriate correction is required.

Response to Remarks

Applicant's arguments with respect to **claims 1- 41** have been considered but are moot in view of the new ground(s) of rejection (please refer to the Claim Rejections section, infra.)

Applicant's arguments with respect to **claim 42** have been fully considered but they are not persuasive.

On page 12 of the Response, Applicant submits that the Steinberg reference (US #6,006,039), in light of the specification, does not anticipate or make obvious the Applicant's invention as provided for by the "means-plus-function" language of the claim. The Examiner respectfully disagrees:

The language of claim 42 is as follows: "A system for manipulating image data, comprising:

means for storing one or more ancillary data files;

means for capturing said image data;

means for transferring said one or more ancillary data files from said means for storing to said means for capturing; and

means for manipulating said image data with said one or more ancillary data files."

First, the Specification provides means for storing one or more ancillary data files which includes a service on a distributed computer network like the Internet, a discrete electronic device such as a personal computer, or a removable, non-volatile memory device such as a flash memory (p. 6 lines 16-20.) Correspondingly, the Steinberg reference provides means for storing one or more ancillary data files which also includes a personal computer (fig. 1 indicator 14; col. 3 lines 57-60), as well as a removable, non-volatile memory device (fig. 1 indicator 22; col. 4 lines 1-3.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Second, the Specification provides means for capturing said image data that includes an electronic camera device (fig. 1 indicator 110; p. 6 lines 25-26.) Equally, the Steinberg reference provides means for capturing said image data that also includes a camera (fig. 1 indicator 10.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Third, the Specification provides means for transferring said one or more ancillary data files from said means for storing to said means for capturing which includes wireless communications (fig. 6 indicator 632), removable storage media (fig. 6 indicator 636), and "any required type of interfaces or connectors (not shown) for coupling camera device 110 and other electronic devices or entities to thereby support bi-directional communications" (p. 12 lines 1-27.) Correspondingly, the Steinberg reference provides means for transferring said one or more ancillary data files from said means for storing to said means for capturing which also includes wireless communications, removable storage media, and cable (fig. 1 indicators 20, 22, and 38; col. 3 lines 45-60.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Fourth and finally, the Specification provides means for manipulating said image data with said one or more ancillary data files that includes a central processing unit (fig. 3 indicator 344) employed in combining of image data with ancillary data (p. 9 lines 12-29.) Correspondingly, the Steinberg reference provides means for manipulating said image data with said one or more ancillary data files which also includes a processor to execute camera functionality (fig. 4 indicator 122; col. 7 lines 14-19.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Based on the foregoing comparisons, it is demonstrated that each of the claimed limitations are also found within the Steinberg reference, and therefore the rejection to claim 42 is forthwith maintained by the Examiner.

On page 15 of the Response, Applicant submits that the Sarbadhikari reference (US #5,477,264), in light of the specification, does not anticipate or make obvious the Applicant's invention as provided for by the "means-plus-function" language of claim 42. The Examiner respectfully disagrees.

First, the Specification provides means for storing one or more ancillary data files which includes a service on a distributed computer network like the Internet, a discrete electronic device such as a personal computer, or a removable, non-volatile memory device such as a flash memory (p. 6 lines 16-20.) Correspondingly, the Sarbadhikari reference provides means for storing one or more ancillary data files which also includes a computer (fig. 11 indicator 4; col. 11 lines 26-30), as well as a removable, non-volatile memory device such as a flash memory (fig. 2 indicator 24; col. 6 lines 54-58.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Second, the Specification provides means for capturing said image data that includes an electronic camera device (fig. 1 indicator 110; p. 6 lines 25-26.) Correspondingly, the Sarbadhikari reference provides means for capturing said image data that also includes a camera (fig. 2; fig. 11 indicator 1a and 1b; col. 5 lines 55-57.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Third, the Specification provides means for transferring said one or more ancillary data files from said means for storing to said means for capturing which includes wireless communications (fig. 6 indicator 632), removable storage media (fig. 6

indicator 636), and "any required type of interfaces or connectors (not shown) for coupling camera device 110 and other electronic devices or entities to thereby support bi-directional communications" (p. 12 lines 1-27.) Correspondingly, the Sarbadhikari reference provides means for transferring said one or more ancillary data files from said means for storing to said means for capturing that also includes a cable (fig. 11 indicator 38; col. 11 lines 26-30), as well as removable storage media (fig. 2 indicator 24; col. 6 lines 54-58.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Fourth and finally, the Specification provides means for manipulating said image data with said one or more ancillary data files that includes a central processing unit (fig. 3 indicator 344) employed in combining of image data with ancillary data (p. 9 lines 12-29.) Correspondingly, the Sarbadhikari reference provides means for manipulating said image data with said one or more ancillary data files which also includes a processor to execute camera functionality (fig. 11 programmable processor; fig. 2 indicators 18, 20, and 22; col. 10 lines 33-26.) Therefore, the claimed limitation is found by the Examiner to be anticipated by the prior art element.

Based on the foregoing comparisons, it is demonstrated that each of the claimed limitations are also found within the Sarbadhikari reference, and therefore the rejection to claim 42 is forthwith maintained by the Examiner.

Additionally, Applicant's arguments with respect to **claims 18-20 and 38-40** have been fully considered but they are not persuasive.

On page 16 of the Response, Applicant's assertions regarding the combination of the Sarbadhikari reference and the Anderson reference (US #6,177,957), as applied to claims 18-20 and claims 38-40, are moot in view of the new ground(s) of rejection (please refer to the Claim Rejections section, infra.) Applicant also fails to distinctly and specifically point out the "substantial number of the claimed elements" asserted to not be taught to a degree to which the Examiner can reasonable respond. However, the following clarification is provided in order to offer further clarity regarding the 103(a) rejections as they relate to the Anderson reference.

One of ordinary skill in the art of cameras and camera function, when faced with the problems relating to enhancing software opportunities via ancillary data, would look to the solutions of others faced with similar problems. Anderson is found to provide these solutions. As also stated in the rejection to claim 18 infra, Anderson teaches both file descriptor identification and updating of camera menus, as they relate to ancillary data. More specifically, Anderson is found to teach dynamically updating software driven features in an electronic imaging device, in which the user may supplement the baseline application programming of the imaging device (col. 2 lines 18-25.) The system of Anderson provides a procedure for updating of camera menus to reflect the addition of one or more ancillary data files, thereby enabling a system user to utilize one or more of the ancillary data files, (col. 8 line - col. 9 line 19.) The procedure of Anderson is also found to teach a file descriptor identification procedure by which said

ancillary data module categorizes said one or more ancillary data files (figs. 7 and 8; col. 8 line 1 – col. 9 line 19.) Based on the commonality of ancillary data, when taken in light of the system as taught by primary references, which includes ancillary data files selected and downloaded to the imaging device from a computer in a distributed computer network, one of ordinary skill in the art at the time of the invention would have found it obvious to add the functionality of a user accessible menu that was appropriately updated to reflect the newly added software enhancements available, so that the user may fully utilize all the imaging device's available functionality. It would have been further obvious to one of ordinary skill in the art at the time of the invention to employ a file descriptor identification procedure similar to that taught by Anderson, with the system as taught by the primary references, in order to correctly identify and implement the ancillary data files, and their corresponding functionality, which have been added to increase the available functionality of the imaging device, based on the selected files previously added via download from a computer in a distributed computer network. As to the occurrence of the procedure taught above, in conjunction with a teaching by Anderson of the procedure occurring within the imaging device ('957 - fig. 8), it would have also been obvious to one of ordinary skill in the art that the procedure of the system as taught by Sarbadhikari, Steinberg, and Anderson be performed off-line, so that once the selected files had been downloaded, the imaging device is free to operate as a physically autonomous device, having no further need to be tethered or on-line with the computer, and free to perform the procedure at locations other than

those accessible to the computer and at times when on-line accessibility is limited or no longer available.

On page 18 of the Response, with regards to claims 19-20 and 39-40, Applicant respectfully requests that the Examiner provide the citations supporting the rejection of claims 19-20 and 39-40. The Examiner apologizes for any confusion caused by the format of the prior Office Action. A paragraph substitution error occurred with the inclusion of "except for" in place of the intended "including". However, the relevant citations supporting the rejection of claims 19-20 and 39-40 were included and correctly direct the Applicant to the relevant elements within the reference.

Claim Rejections

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17 and 21-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US #5,477,264) in view of Steinberg et al. (6,628,325.)

Regarding claim 1, Sarbadhikari teaches a system for manipulating image data, comprising a data source configured to store one or more ancillary data files (fig. 11

indicator 4; col 11 lines 26-37), said data source being implemented as a computer (fig. 11 indicator 4), an imaging device configured to capture said image data (fig. 11 indicator 1), and an ancillary data module for transferring said one or more ancillary data files from said data source to said imaging device for manipulating said image data (fig. 10 indicators 20, 18, and 22; col. 6 lines 10-37; col. 11 lines 26-37), said ancillary data module performing one or more on-line management procedures regarding ancillary data files while an active communication path exists from said imaging device to said computer (col. 4 lines 44-49; col. 7 lines 44-50; col. 9 lines 9-13). Although Sarbadhikari teaches the data source being implemented as a computer, with the functionality of the removable memory card embodiment applied therein (col. 11 lines 26-37), a data source being implemented as a computer in a distributed computer network is not taught.

Nevertheless, Steinberg teaches a similar system for manipulating image data in which a computer in a computer in a distributed computer network is employed (fig. 1 indicators 16 and 18; col. 4 lines 2-4 and lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated a computer in a distributed computer network as taught by Steinberg, with the computer of the system for manipulating image data as taught by Sarbadhikari, in order to create a system for manipulating image data which allowed for transferal of one or more ancillary data files from a computer far removed from that of the imaging device configured to capture said image data, as well as to possibly allow for the transferal of one or more ancillary data files from more than one computer.

Regarding claim 2, Sarbadhikari and Steinberg teach all the limitations of claim 2 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said data source includes one of said computer in said distributed computer network, an image station site on an Internet network, a stand-alone computer device ('264 - fig. 11 indicator 4, col. 11 lines 26-37), a portable electronic device, and a removable non-volatile memory device ('264 - fig. 2 indicator 24, col. 6 lines 54-59.)

Regarding claim 3, Sarbadhikari and Steinberg teach all the limitations of claim 3 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said ancillary data files include at least one of an image template file ('264 - figs. 8 and 9, col. 6 lines 56-59), a text overlay file ('264 - col. 5 line 25-27), an image background file, an Internet webpage file, and a program instruction file ('264 - col. 4 line 57 - col. 5 line 40.)

Regarding claim 4, Sarbadhikari and Steinberg teach all the limitations of claim 4 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device includes at least one of a digital still camera device ('264 - col. 5 lines 55-57), a video camera device, and an electronic scanner device.

Regarding claim 5, Sarbadhikari and Steinberg teach all the limitations of claim 5 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files are transferred from said data source to said imaging device ('264 - col. 2 line 50 - col. 3 line 2) by utilizing at least one of a wireless transmission process and a hard-wired transmission process ('264 - fig. 11 indicator 38; col. 11 lines 22-30.) It is also noted that Steinberg teaches transmission of data by means of a wireless transmission process (col. 4 lines 61-65.)

Regarding claim 6, Sarbadhikari and Steinberg teach all the limitations of claim 6 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said ancillary data module manipulates said image data by combining selected ones of said ancillary data files with said image data to generate new composite data ('264 - col. 10 line 33-39.)

Regarding claim 7, Sarbadhikari and Steinberg teach all the limitations of claim 7 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device includes at least one of a capture subsystem ('264 - fig. 10 indicator 10) and a control module ('264 - fig. 10 indicators A and B), said control module having at least one of a central processing unit ('264 - fig. 10 indicator 20), a memory ('264 - fig. 10 indicator 32, indicator 31), a viewfinder ('264 - fig. 10 indicator 29), and one or more input/output interfaces ('264 - fig. 10 indicators 21 and 26.)

Regarding claim 8, Sarbadhikari and Steinberg teach all the limitations of claim 8 (see the 103(a) rejection to claim 7 supra), including teaching a system wherein said memory includes at least one of an application software program, an operating system ('264 - col. 7 lines 60-67), said ancillary data module, said one or more ancillary data files ('264 - col. 8 lines 52-58, col. 10 lines 5-6), a display manager, data storage for storing said image data, and one or more camera menus for display upon said viewfinder.

Regarding claim 9, Sarbadhikari and Steinberg teach all the limitations of claim 9 (see the 103(a) rejection to claim 7 supra), including teaching a system wherein said one or more input/output interfaces include at least one of a distributed electronic

network interface ('325 fig. 1 indicator 16), a host computer interface ('264 - fig. 11 indicator 34; '325 col. 4 lines 2-4), a printer interface ('325 col. 4 lines 2-4), a wireless communications interface ('325 col. 4 lines 61-65), a user interface ('264 - fig. 2 indicator 21), and a removable storage media interface ('264 - fig. 2 indicator 26; '325 fig. 2 indicator 58.)

Regarding claim 10, Sarbadhikari and Steinberg teach all the limitations of claim 10 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said ancillary data module includes at least one of a download manager for transferring said ancillary data files from said data source to said imaging device and analyzing said ancillary data files ('264 - col. 7 lines 30-67), an editing module for combining said one or more ancillary data files with said image data, a data manager for controlling and reorganizing said one or more ancillary data files, and miscellaneous routines that include a conversion routine for translating said one or more ancillary data files into a compatible format.

Regarding claim 11, Sarbadhikari and Steinberg teach all the limitations of claim 11 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said one or more ancillary data files each include a data portion and a corresponding descriptor tag that is analyzed by said ancillary data module to identify, characterize, and categorize a corresponding one of said one or more ancillary data files (col. 4 lines 58-63, col. 7 lines 31-44.)

Regarding claim 12, Sarbadhikari and Steinberg teach all the limitations of claim 12 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

one or more ancillary data files are created by at least one of a system user on a local computer device and a system manufacturer utilizing ancillary-data production equipment ('264 - col. 6 lines 58-63.)

Regarding claim 13, Sarbadhikari and Steinberg teach all the limitations of claim 13 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said data source is configured to facilitate interactively accessing, manipulating, and downloading said one or more ancillary data files to said imaging device by a system user ('264 - col. 7 lines 38-50.)

Regarding claim 14, Sarbadhikari and Steinberg teach all the limitations of claim 14 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said imaging device establishes an active communication path to said data source (col. 4 lines 44-47), said active communication path being established by at least one of an automatic connection protocol ('264 - col. 7 lines 30-65, in which detection of the presence of a card and the presence of a connection to a computer are read to be comparable) and a user-initiated connection protocol (col. 4 lines 46-47; fig. 11 via connection of indicator 38.)

Regarding claim 15, Sarbadhikari and Steinberg teach all the limitations of claim 15 (see the 103(a) rejection to claim 14 supra), including teaching a system wherein said ancillary data module performs one or more on-line management procedures while said active communication path is available, said one or more on-line management procedures including at least one of a data source content review ('264 - col. 7 lines 32-40, 54-57) and an ancillary-data file download procedure ('264 - col. 7 lines 60-65.)

Regarding claim 16, Sarbadhikari and Steinberg teach all the limitations of claim 16 (see the 103(a) rejection to claim 15 supra), including teaching a system wherein said ancillary data module downloads a special instruction file that corresponds to a selected ancillary data file, said special instruction file including information that instructs said imaging device how to correctly utilize said selected ancillary data file, said special instruction file being formatted as at least one of an embedded instruction file that is embedded in said selected ancillary data file ('264 - col. 10 lines 43-50) and a discrete instruction file that is not embedded in said selected ancillary data file (col. 9 line 51 – col. 10 line 18.)

Regarding claim 17, Sarbadhikari and Steinberg teach all the limitations of claim 17 (see the 103(a) rejection to claim 15 supra), including teaching a system wherein said imaging device terminates said active communication path to said data source when said on-line management procedures have been completed, said active communication path being terminated by at least one of an automatic termination protocol and a user-initiated termination protocol ('264 - fig. 3, col. 9 lines 3-14, in which an analogous process would apply to a tethered data source instead of an inserted card.)

Regarding claims 21-37, although the wording is different, the material is considered substantively equivalent to claims 1-17, respectively, as discussed above.

Claims **18-20, 38-40, and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US #5,477,264) in view of Steinberg et al. (6,628,325), in further view of Anderson (US #6,177,957.)

Regarding claim 18, Sarbadhikari and Steinberg teach all the limitations of claim 18 (see the 103(a) rejection to claim 17 supra), except for teaching a system wherein said ancillary data module performs an off-line management procedure for said one or more ancillary data files that have been downloaded from said data source, said off-line management procedure including a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files. It is noted that Sarbadhikari does teach on-line management of ancillary data files, in that the identified files may be selectable chosen by the user when connected to the data source (col. 4 lines 44-47; col. 7 lines 38-47.)

Nevertheless, Anderson is found to teach dynamically updating software driven features in an electronic imaging device, in which the user may supplement the baseline application programming of the imaging device (col. 2 lines 18-25.) The system of Anderson provides a procedure for updating of camera menus to reflect the addition of one or more ancillary data files, thereby enabling a system user to utilize one or more of the ancillary data files, (col. 8 line - col. 9 line 19.) The procedure of Anderson further teaches a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files (figs. 7 and 8; col. 8 line 1 – col. 9 line

19.) Although Anderson employs hot mounted files, Anderson demonstrates a teaching of a menu reorganization procedure for files made accessible to the imaging device. When taken in light of the system as taught by Sarbadhikari and Steinberg, which includes ancillary data files selected and downloaded to the imaging device from a computer in a distributed computer network, one of ordinary skill in the art at the time of the invention would have found it obvious to add the functionality of a user accessible menu which was appropriately updated to reflect the newly added software enhancements available, so that the user may fully utilize all the imaging device's available functionality. It would have been further obvious to one of ordinary skill in the art at the time of the invention to employ a file descriptor identification procedure similar to that taught by Anderson, with the system as taught by Sarbadhikari and Steinberg, in order to correctly identify and implement the ancillary data files, and their corresponding functionality, which have been added to increase the available functionality of the imaging device, based on the selected files previously added via download from a computer in a distributed computer network. As to the occurrence of the procedure taught above, in conjunction with a teaching by Anderson of the procedure occurring within the imaging device (fig. 8), it would also have been obvious to one of ordinary skill in the art that the procedure of the system as taught by Sarbadhikari, Steinberg, and Anderson be performed off-line, so that once the selected files had been downloaded, the imaging device is free to operate as a physically autonomous device, having no further need to be tethered or on-line with the computer, and free to perform

the procedure at locations other than those accessible to the computer and at times when on-line accessibility is limited or no longer available.

Regarding claim 19, Sarbadhikari, Steinberg, and Anderson teach all the limitations of claim 19 (see the 103(a) rejection to claim 18 supra), including teaching a system wherein said off-line management procedure includes at least one of a file reorganization procedure ('957 col. 9 lines 1-6) and a file deletion procedure.

Regarding claim 20, Sarbadhikari, Steinberg, and Anderson teach all the limitations of claim 20 (see the 103(a) rejection to claim 18 supra), including teaching a system wherein said imaging device utilizes an editing module ('264 - fig. 2 indicator 22) from said ancillary data module to effectively combine selected ones of said one or more ancillary data files with one or more images from said image data to thereby create a new composite image ('264 - col. 5 lines 22-24, col. 10 lines 30-36.)

Regarding claims 38-40 although the wording is different, the material is considered substantively equivalent to claims 18-20, respectively, as discussed above.

Regarding claim 41, Sarbadhikari teaches storing one or more ancillary data files in a data source (col. 11 lines 26-37), said data source being implemented as a computer (fig. 11 indicator 4; col. 11 lines 26-37), capturing said image data with an imaging device (col. 2 line 66 – col. 3 line 2; col. 5 line 55 – col. 6 line 26; col. 11 lines 26-37), transferring said one or more ancillary data files from said data source to said imaging device by using an ancillary data module (col. 4 lines 44-47; fig. 10 indicators 20, 18, and 22; col. 6 lines 10-37; col. 11 lines 26-37), and manipulating said image data with said one or more ancillary data files (col. 6 lines 5-58; col. 10 lines 24-39),

said ancillary data files performing one or more on-line management procedures regarding said ancillary data files while an active communication path exits from said imaging device to said computer (col. 4 lines 44-47; col. 11 lines 26-37.) However, Sarbadhikari does not teach any of the above steps occurring in conjunction with a computer in a distributed computer network. Additionally, although Sarbadhikari does teach the above program/programming/processor related steps, Sarbadhikari does not teach each step involving program instructions within a computer-readable medium.

Nevertheless, Steinberg is found to teach similar steps for manipulating image data in which a computer in a computer in a distributed computer network is employed (fig. 1 indicators 16 and 18; col. 4 lines 2-4 and lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated a computer in a distributed computer network as taught by Steinberg, with the computer as taught by Sarbadhikari, in order to create the steps for manipulating image data which allowed for transferal of one or more ancillary data files from a computer far removed from that of the imaging device configured to capture said image data, as well as to possibly allow for the transferal of one or more ancillary data files from more than one computer or data source.

Furthermore, Anderson is found to teach a computer readable medium comprising program instructions for a system that dynamically updates software functions in an electronic imaging device (col. 13 lines 33-54; col. 14 lines 25-43.) It would have been obvious to one of ordinary skill in the art at the time of the invention to transfer the steps as taught by Sarbadhikari and Steinberg, which are effectuated by

processors within programmed devices, and due to their processor based execution, are employed as programmed instructions, onto a computer readable medium comprising program instructions as taught by Anderson, so that they may be easily transferred or from one computer in a distributed computer network to another computer in another distributed computer network, or so that they may be loaded as firmware onto a device to update or restore camera functionality without having to update or replace device hardware.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 703-305-9573 until March 1, 2005, and 571-272-7318 afterwards. The examiner can normally be reached during his normal office hours, which are Monday - Friday, 8:00am - 4:00pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached at 703-305-4929 until March 1, 2005, and at 571-272-7308 afterwards. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieaux
Examiner
Art Unit 2612

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